

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

KATRINA DANIELLE MATEEN

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:23-CV-306-TBM-RPM

CITY OF GULFPORT et al

DEFENDANTS

**ORDER GRANTING MOTION TO ASSERT QUALIFIED IMMUNITY DEFENSE  
AND STAYING PROCEEDINGS**

Before the Court is Defendant Kenneth Nassar's [68] Motion to Assert Qualified Immunity Defense. Defendant states that he intends to file a motion for summary judgment asserting this defense. In light of that forthcoming motion, he asks the Court to preliminarily issue an Order staying proceedings. Plaintiff Katrina Danielle Mateen did not file a response in opposition to the motion. The Local Rules provide that:

Filing a motion to compel arbitration, or a motion asserting an immunity defense or jurisdictional defense stays the attorney conference and disclosure requirements and all discovery, pending the court's ruling on the motion, including any appeal. Whether to permit discovery on issues related to the motion and whether to permit any portion of the case to proceed pending resolution of the motion are decisions committed to the discretion of the court, upon a motion by any party seeking relief.

L.U. Civ. R. 16(b)(3)(B).

A plaintiff asserting constitutional claims against a defendant claiming qualified immunity must survive the motion without *any* discovery. *In re Paxton*, 60 F.4th 252, 257 (5th Cir. 2023); *see also Carswell v. Camp*, 54 F.4th 307, 311 (5th Cir. 2022) (emphasis in original). In light of the forthcoming motion, the Court concludes that the proceedings in this matter should be stayed. Therefore, the Court stays the attorney conference, disclosure requirements, and all discovery pending the District Court's ruling on the forthcoming motion asserting qualified immunity.

IT IS THEREFORE ORDERED AND ADJUDGED that Defendant Kenneth Nassar's [68]

Motion to Assert Qualified Immunity Defense is GRANTED. In light of the forthcoming motion asserting qualified immunity, the Court orders a stay of the proceedings pursuant to Local Rule 16(b)(3)(B).

IT IS FURTHER ORDERED AND ADJUDGED that, to the extent Defendant is requesting leave to file a motion asserting qualified immunity, Defendant is granted leave to file such motion. He shall file such motion within 30 days of entry of this Order.

SO ORDERED, this the 20th day of August 2024.

/s/ Robert P. Myers, Jr.  
ROBERT P. MYERS, JR.  
UNITED STATES MAGISTRATE JUDGE